VPDES PERMIT FACT SHEET

This document gives pertinent information concerning the reissuance of the VPDES permit listed below. This permit is being processed as a minor industrial storm water permit. The effluent limitations contained in this permit will maintain the Water Quality Standards of 9VAC25-260 et seq. The discharge results from storm water runoff from a petroleum retail operation and truck stop. This permit action consists of a reissuance in which the previous industrial minor permit (2007 reissuance) is converted to a storm water minor industrial permit for the next permit cycle (2012 reissuance) reflecting the elimination of process wastewater from the facility's discharge. Given the facility's historical contamination issues, toxicity issues, and potential impact to state waters, a storm water individual permit is warranted for authorization of storm water discharge associated with industrial activity (truck and petroleum associated activities) in accordance with 9VAC25-31-50.

1.

Facility Name and Mailing Address:	SIC Codes:
TravelCenters of America - Ashland Travel Center 100 North Carter Road Ashland, VA 23005 *Facility Location:* 100 North Carter Road Ashland, VA 23005 *Owner Name and Mailing Address:* TA Operating LLC (dba TravelCenters of America) 24601 Center Ridge Road, Suite 200 Westlake, OH 44145	5541 *(gasoline service stations)* 5812 *(eating places)* 5399 *(miscellaneous general merchandise stores)* 7699 *(repair shops and related services, not elsewhere classified)*

2. Owner/Facility Contact: Dennis Milazzo
Director of Environmental Engineering
(440) 808-3298
DMilazzo@ta-petro.com

3. Permit No. VA0070572 Existing Permit Expiration Date: September 25, 2012

4. Application Administratively Complete Date: July 11, 2012
Application Technically Complete Date: July 11, 2012
Permit Drafted By: Tamira Cohen Date: July 11, 23, 2012
Reviewed By: Brad Ricks Date: July 26, 2012
Reviewed By: Curt Linderman Date: August 3, 2012 and August 8, 2012
Reviewed By: Kyle I. Winter Date: August 6, 2012
DEQ Regional Office: Piedmont Regional Office

5. Permit Characterization:

	Discharge to Chesapeake Bay		Discharge subject to Nutrient GP		Nutrient load limits addressed in Nutrient GP
	Issuance	X	Reissuance		Revoke & Reissue
X	Existing Discharge		Proposed Discharge		
	Owner Modification		Board Modification		Ownership/Name Change Effective Date:
	Municipal, SIC Code(s):	X	Industrial, SIC Code(s): **(see above)**		
	POTW		PVOTW		
X	Private		Federal		State
	Effluent Limited		Water Quality Limited		WET Limited
	Interim Limits in Permit		Interim Limits in Other Document (attached)		Compliance Schedule Required
	Variance to WQ Standards		Water Effects Ratio		Discharge to 303(d) Listed Segment
X	Whole Effluent Toxicity Program Required		Possible Interstate Effect	X	Storm Water Management Plan

6. Receiving Stream Name: Mechumps Creek, Unnamed Tributary
River Mile: Outfall 003 (formerly Outfall 902, 006 in FFM*) – 8-XBX000.32
Outfall 004 (formerly Outfall 903, 003 in FFM*) – 8-XBX000.33
Outfall 005 (Outfall 904 in 2012 application, 004 in FFM*) – 8-XBX000.40
Outfall 006 (Outfall 905 in 2012 application, 005 in FFM*) – 8-XBX000.42
Rivermiles are in accordance with the *Flow Frequency Memo with slight revision. A coordinate to outfall matching error was made at the time of the flow frequency request. The outfalls identified in the flow frequency memo are therefore incorrectly matched with the associated rivermiles. See above for correct outfall rivermiles (see **Attachment A**). The rivermile listed in the 2007 fact sheet is for Outfall 001 and is eliminated with this 2012 permit reissuance.
Basin: York River
Subbasin: N/A
Section: 3, as per 9VAC25-260-530
Class: III (Nontidal Waters, Coastal, Piedmont)
Special Standards: None

7-Day, 10-Year Low Flow: 0.00 MGD	7-Day, 10-Year High Flow: 0.00 MGD
1-Day, 10-Year Low Flow: 0.00 MGD	1-Day, 10-Year High Flow: 0.00 MGD
30-Day, 5-Year Low Flow: 0.00 MGD	30-Day, 10-year High Flow: 0.00 MGD
30-Day, 10-year Low Flow: 0.00 MGD	Harmonic Mean Flow: N/A
Tidal? No	On 303(d) list? No

Attachment A – Flow Frequency Determination

7. Operator License Requirements: N/A

8. Reliability Class: N/A

9. Discharge Description

OUTFALL NUMBER	DISCHARGE SOURCE	TREATMENT	FLOW** (MGD)
003 (formerly 902)	Storm water runoff and occasional washwaters* from paved access and parking areas (two paved areas along the east and north site boundaries).	Operational best management practices (BMPs) such as good housekeeping policy, sweeping, spill prevention and clean-up.	0.014 (Rainfall dependent
004 (formerly 903)			0.043 (Rainfall dependent
005 (904 in 2012 application)			0.037 (Rainfall dependent
006 (905 in 2012 application)			0.071 (Rainfall dependent

*Permit authorized nonstorm water discharges include pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed).

**Flows given are those reported in the 2012 application and used in the 2012 permit data evaluation.

TravelCenters of America-Ashland Travel Center is a retail automobile and truck stop with petroleum storage, fueling operations, truck maintenance and repair services, restaurant, general merchandise store, motel, and other traveling and resting amenities. The discharge at the site consists solely of storm water runoff. Used oil generated by the truck repair shop is contained in an underground storage tank and removed from the site for recycling. The diesel dispensing area is covered with a canopy and has drains to catch minor spills and any wash water which is then directed to an oil/water separator. Discharge from the vicinity of the repair shop is also directed to the oil/water separator. The oil/water separator has no discharge and is regularly pumped and wastewaters hauled off-site for proper disposal. It should be noted that a former outfall (designated as Outfall 002) was permanently plugged in 2006 and removed from the permit with the 2007 reissuance. As noted above, Outfalls 902 and 903 in the 2007 permit reissuance and Outfalls 904 and 905 in the 2012 permit application have been renamed

Outfalls 003, 004, 005, and 006, respectively, in order to maintain consistency with DEQ outfall naming conventions for stormwater only discharges. See **Attachment B** for the site plan submitted with the 2012 permit application.

This 2012 permit reissuance includes the conversion of the previous minor industrial permit (2007) to a minor industrial storm water permit with the elimination of any process wastewater discharge and approval of the permit modification request for elimination of Outfall 001 (See **Attachment C**). A permanent plug (blind flange) was installed on the end of the Outfall 001 discharge pipe and the discharge source, wastewaters collected in the oil/water separator (OWS) are periodically pumped and hauled off site for recycling. The OWS is checked and adequately maintained by the permittee to ensure no discharge. (See **Attachment D** for the DEQ inspection report).

Attachment B – Site Diagram and Location Map
Attachment C – Permit Modification Request (Elimination of Outfall 001)
Attachment D – Site Inspection Report

10. Solids Disposal: Non-domestic solid waste including sediment, trash and debris are removed and property disposed as needed from the oil-water separator, ditches, outlet structures, and drainage areas.

11. Discharge(s) Location Description: **Attachment B** – Ashland, VA topographic map (149C).

12. Material Storage: Bulk storage of petroleum products stored in 8 active UST's (three 10,000 gallon gasoline, four 20,000 gallon diesel, one 8,000 gallon lube oil tanks). Groundwater monitoring wells are inspected on a regular basis to detect leaks in accordance with a DEQ-approved Groundwater Contamination Remedial Action Plan. See Item #17 (Part I.B.9, Oil Storage Ground Water Monitoring Reopener) for additional comments. Prevention or minimization of hazardous or oil discharges/spills are addressed in the 2012 permit: Part I.C.2.g, Part I.C.3 (Storm water Pollution Prevention Plan requirements), and generally in Part I.C (Storm Water Management Conditions).

13. Ambient Water Quality Information: Stream flow is intermittent with no measurable flow and therefore no ambient water quality information. See **Attachment A** for the Flow Frequency Determination provided by Jennifer V. Palmore, Senior Environmental Planner, of the DEQ PRO Planning Department.

14. Antidegradation Review & Comments:
Tier: 1 __X__ 2_____ 3_____
The State Water Control Board's Water Quality Standards includes an antidegradation policy (9VAC25-260-30). All state surface waters are provided one of three levels of antidegradation protection. For Tier 1 or existing use protection, existing uses of the water body and the water quality to protect these uses must be maintained. Tier 2 water bodies have water quality that is better than the water quality standards. Significant lowering of the water quality of Tier 2 waters is not allowed without an evaluation of the economic and social impacts. Tier 3 water bodies are exceptional waters and are so designated by regulatory amendment. The antidegradation policy prohibits new or expanded discharges into exceptional waters. The antidegradation review begins with a Tier determination.

The discharge is to a dry ditch (intermittent tributary) to Mechumps Creek. The receiving stream is therefore determined to be a Tier 1 water body. This determination is based on the fact that the receiving stream is found to have no sustainable or measurable flow.

15. 303(d) Listed Segments (Total Maximum Daily Load, TMDL): During the 2010 305(b).303(d) Integrated Water Quality Assessment, the unnamed tributary was not assessed for any Designated Use and is therefore considered a Category 3A water.

Although the receiving stream is not impaired for bacteria, a downstream portion of Mechumps Creek (3 miles downstream from the facility's unnamed tributary convergence with Mechumps Creek) is impaired for bacteria and a TMDL was approved by EPA on 10/21/2004 and by the SWCB on 12/20/2005. TravelCenters of America (Ashland Travel Center) received a wasteload allocation of zero *E. coli* cfu/year. No data exists to show that the facility discharges *E. coli*. See summaries of reported facility data in **Attachment E**.

Although the facility received a WLA, the narrative of the TMDL states that the facility was not considered a source and the facility was not used to determine bacteria loads. Since the discharge of the process wastewater is specifically prohibited by the permit, no monitoring is necessary because the

prohibition itself ensures conformance with the zero discharge. Furthermore, any bacteria potentially measured in the discharge would be considered part of the TMDL's existing load allocation, and not the WLA.

The receiving stream is located within the Chesapeake Bay Watershed and is therefore included in the Chesapeake Bay TMDL which was approved by EPA on 12/29/2010. The facility is addressed as part of the aggregated wasteload allocations for total nitrogen, total phosphorus, and total suspended solids for the Pamunkey River Tidal Freshwater segment (PMKTF).
See **Attachment A**.

The TMDL addresses dissolved oxygen (DO), chlorophyll a, and submerged aquatic vegetation (SAV) impairments in the main stem Chesapeake Bay and its tidal tributaries by establishing non-point source load allocations (LAs) and point-source waste load allocations (WLAs) for Total Nitrogen (TN), Total Phosphorus (TP) and Total Suspended Solids (TSS) to meet applicable Virginia Water Quality Standards contained in 9VAC25-260-185.

Implementation of the Chesapeake Bay TDML is currently accomplished in accordance with the Commonwealth of Virginia's Phase I Watershed Implementation Plan (WIP), approved by EPA on December 29, 2010. The approved WIP recognizes the "General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed of Virginia" (9VAC25-820) as controlling the nutrient WLAs for non-significant Chesapeake Bay dischargers. The approved WIP states that for non-significant Municipal and Industrial facilities, nutrient WLAs are to be consistent with Code of Virginia procedures, which set baseline WLAs to 2005 permitted design capacity nutrient load levels. In accordance with the WIP, TN and TP WLAs for non-significant facilities are considered aggregate allocations and will not be included in individual permits. The WIP also considers TSS WLAs for non-significant facilities to be aggregate allocations, but TSS limits are to be included in individual VPDES permits in conformance with the technology-based requirements of the Clean Water Act. However, the WIP recognizes that so long as the aggregated TSS permitted loads for all dischargers is less than the aggregated TSS load in the WIP, the individual permit will be consistent with the TMDL.

40 CFR 122.44(d)(1)(vii)(B) requires permits to be written with effluent limits necessary to meet water quality standards and to be consistent with the assumptions and requirements of applicable WLAs. This facility is classified as a Non-significant Chesapeake Bay discharger because, based on the individual permit in effect on July 1, 2005 (which authorized process wastewater discharges at Outfall 001) it had a permitted design capacity flow, or equivalent load, of less than 500,000 gallons per day into non-tidal waters. This facility has not made application for a new or expanded discharge since 2005. It is therefore covered by rule under the 9VAC25-820 regulation. In accordance with the WIP, TN, TP and TSS load limits are not included in this individual permit, but are consistent with the TMDL because the permit no longer authorizes the discharge of process wastewaters that formed the basis of the facility's 2005 permitted design capacity TN and TP waste load allocations and TSS technology-based requirements.

The Chesapeake Bay TMDL also established aggregated TN, TP and TSS WLAs for regulated point-source storm water discharges in the PMKTF segment. The WIP acknowledges that in addition to existing local urban storm water management programs designed to minimize storm water pollutant impacts, the industrial storm water VPDES permitting program emphasizes the prevention and/or reduction of pollutants in storm water discharges through the inclusion of industrial subcategory standardized permit conditions and monitoring requirements. This includes the requirement for a storm water pollution prevention plan (SWPPP) which must identify potential sources of storm water pollution from the industrial site, and describe and ensure adequate implementation of BMPs.

This facility is authorized to only discharge industrial storm water, and has recently made improvements of existing BMPs for the purpose of reducing and/or eliminating pollutants from the site storm water discharge. The current 2012 permit reissuance includes updated storm water language (both standardized storm water special conditions and sector-specific conditions), requirements to implement and maintain a SWPPP, benchmark monitoring using BPJ for both TSS and nutrients, identified as potential pollutants being contributed from the facility. The requirements of this individual permit are therefore consistent with the Chesapeake Bay TMDL.

16. Site Inspection: Date: April 13, 2012 Performed by Mike Dare

Attachment D – Site Inspection Report

17. Effluent Screening & Limitation Development:

For this permit reissuance, discharges from Outfalls 003, 004, 005 and 006 are treated as industrial storm water discharges and not as process water discharges. Storm water data from all outfalls (obtained from the application, DMRs, and WET reports) is compared on a pollutant-by-pollutant basis against the storm water screening criteria which is established as 2 times the acute VA Water Quality Standard for each pollutant (if a standard exists) in accordance with GM10-2003. The DEQ excel spreadsheet MSTRANTI (version 2b) was used to compute acute toxicity standards for each pollutant which represents the concentration which must be maintained at minimum to protect designated water quality. Data submitted by the permittee which are above these levels result in the establishment of a Storm Water Management Evaluation for that specific pollutant (comparison of storm water monitoring results with storm water screening criteria and Whole Effluent Toxicity (WET) Testing, in order to reduce a specific pollutant to the maximum extent practicable and minimize toxicity of storm water discharge from the site). Monitoring requirements and storm water screening criteria (comparative values) for these parameters are included in Part I.A and Part I.C.1.a, respectively.

Reported data is also compared against benchmark values across sectors, where given in the General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity Regulation, 9VAC25-151-90 et seq. For those pollutants that exceed benchmark values, benchmark monitoring is required in the current permit reissuance for the purpose of determining effectiveness of the facility's Storm Water Pollution Prevention Plan (SWPPP) in controlling pollutant discharges to receiving waters. Monitoring requirements and target benchmark concentrations for these parameters are included in Part I.A and Part I.C.5, respectively.

In accordance with DEQ agency guidance (VPDES Permit Manual,GM10-2003, revised August 25, 2011 and GM96-001) and EPA guidance (EPA's (Office of Water) November 12, 2010 Memorandum, *Revisions to the November 2, 2002 Memorandum "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs"*), an adaptive, iterative management approach is prescribed in the current 2012 permit reissuance through the use of BMPs, development and maintenance of an adequate Storm Water Pollution Prevention Plan (SWPPP), the Storm Water Management Evaluation Requirements through Whole Effluent Toxicity (WET) screening and pollutant specific screening, and evaluation of BMP effectiveness through benchmark monitoring. See **Attachment E** for the summary, screening and evaluation of effluent data, and MSTRANTI printouts.

Basis for Effluent Limitations: Outfalls 003, 004, 005, and 006

PARAMETER	BASIS FOR LIMITS and MONITORING FREQ	DISCHARGE LIMITS			MONITORING REQUIREMENTS	
		MONTHLY AVG	MIN	MAX	FREQ	SAMPLE TYPE
001 Flow (MG)	BPJ	NA	NA	NL	1 per 3 Months	Estimate
002 pH (SU)	BPJ	NA	NL	NL	1 per 3 Months	Grab
003 BOD_5 (mg/L)	BPJ	NA	NA	NL	1 per 3 Months	Grab
004 TSS (mg/L)	BPJ	NA	NA	NL	1 per 3 Months	Grab
068 TKN (mg/L)	BPJ	NA	NA	NL	1 per 3 Months	Grab
196 Total Recoverable Zinc (mg/L)	BPJ	NA	NA	NL	1 per 3 Months	Grab
203 Total Recoverable Copper (mg/L)	BPJ	NA	NA	NL	1 per 3 Months	Grab
233 Total Recoverable Lead (mg/L)	BPJ	NA	NA	NL	1 per 3 Months	Grab
257 TPH (mg/L)	BPJ	NA	NA	NL	1 per 3 Months	Grab

BPJ -- Best Professional Judgment
NL – No Limit, monitoring only
NA – Not Applicable

Attachment E – Effluent Data Summary and Evaluation

Biochemical Oxygen Demand (BOD_5) and Total Kjehldahl Nitrogen (TKN) – Monitoring for BOD_5, and TKN have been added to the 2012 permit reissuance given reported data exceedences of benchmark values (see **Attachment E**). While TN reported data was also in exceedence of benchmark values, monitoring for this parameter is not included in 2012 permit reissuance. TKN is viewed as the most relevant parameter for evaluating nitrogenous pollutants (organic nitrogen) at this facility. It should be noted that data reported for BOD_5 at Outfall 005 (28 mg/L, grab) was just below the associated benchmark value of 30 mg/L. Given that only one data point for this outfall was available for this screening (2012 permit application), and monitoring for all of these pollutants will further enable evaluation of BMP effectiveness and the SWPPP, BOD_5 monitoring is being required each of the four stormwater outfalls.

Total Suspended Solids (TSS) – Monitoring for TSS is carried forward to the current 2012 permit reissuance (and included for Outfalls 005 and 006) since this parameter serves as an indicator for the effectiveness of BMPs and is included in almost all VPDES General Permits for Storm Water Associated with Industrial Activity (9VAC25-151, adopted by the Storm Water Control Board on April 27, 2009). Furthermore, reported data for all outfalls (DMRs for Outfalls 003 and 004, application for Outfalls 003-006) reveal exceedences of the benchmark value (100 mg/L).

pH – pH monitoring is included for all outfalls given that a limitation range of 6.0-9.0 Standard Units is assigned to all Class III waters in accordance with VA Water Quality Standards, 9VAC25-260-50. This parameter also serves as an indicator for the effectiveness of BMPs at this facility.

Total Petroleum Hydrocarbons (TPH) – Monitoring for TPH is included for all outfalls in the current 2012 permit reissuance since this parameter serves as an indicator for the effectiveness of BMPs at this facility due to petroleum handling activities.

Total Recoverable Zinc, Copper, and Lead – Reported total recoverable levels and dissolved levels for Zinc and Copper are above the storm water screening criteria and benchmark values at each of the four stormwater outfalls. For the current 2012 permit reissuance, monitoring of total recoverable Zinc and Copper and WET testing is required. Total recoverable lead concentrations were reported for one stormwater event at each of the four outfalls. The data was an order of magnitude less than the benchmark value of 0.12 mg/L, but within the same order of magnitude for the storm water screening level of 0.040 mg/L with one exceedence of this screening level at Outfall 006. Given mixed whole effluent toxicity test results over the past few years (see **Attachment F**), limited available data for screening (one data point for each of the four outfalls), and the potential benefit of adding this pollutant to the list of parameters in the Storm Water Management Evaluation section of the permit (Part I.C.1) for both toxicity minimization and BMP effectiveness, monitoring for total recoverable lead is being required at each of the four outfalls (see 2012 permit Part I.A and Part I.C.1.a). Total rather than dissolved metal concentrations provide a more conservative measure of metal contamination and are required for storm discharges in accordance with DEQ PRO Staff Decisions, 4/27/2010.

Other Pollutants

(1) Total phosphorus, NH_3, sulfides, phenolics, chromium-VI, chlorophyrif, demeton, guthion, malathion - These parameters were examined at each of the outfalls and reported in the data evaluation in **Attachment E** given the effluent limitations for the former process wastewater discharge at Outfall 001 included in the 2007 permit. All data was reported at either below quantification or below benchmark values, toxicity screening levels, and human health water quality standards. Monitoring is not required for these parameters.

(2) All other pollutants are below QLs or believed absent for the purposes of this evaluation.

Frequency of Monitoring – Given that all process wastewater has been eliminated from the facility, quarterly monitoring is required to enable effective pollution management at the site.

18. Antibacksliding Statement: Removal of limits in this permit reissuance results from the removal of process wastewater from the facility discharges and elimination of Outfall 001. Two additional storm water outfalls (005 and 006) are included in this 2012 permit reissuance. The limits associated with the 2007 permit process wastewater discharge are no longer applicable. In accordance with agency guidance (GM96-001) discharges consisting solely of storm water are not subject to limitations but may incur monitoring requirements for relevant parameters. Antibacksliding regulations are not applicable.

19. Compliance Schedules: None.

20. Special Conditions (Part I):

B.1. **Notification Levels**
Rationale: Required by VPDES Permit Regulation, 9 VAC 25-31-200 A for all manufacturing, commercial, mining, and silvicultural dischargers.

B.2. **Operation & Maintenance (O&M) Manual Requirement**
Rationale: Required by Code of Virginia § 62.1-44.16; VPDES Permit Regulation, 9VAC25-31-190 E, and 40 CFR 122.41(e). These require proper operation and maintenance of the permitted facility. Compliance with an approved O&M manual ensures this.

B.3. **Materials Handling/Storage**
Rationale: 9VAC25-31-50 A prohibits the discharge of any wastes into State waters unless authorized by permit. Code of Virginia § 62.1-44.16 and 62.1-44.17 authorizes the Board to regulate the discharge of industrial waste or other waste.

B.4. **Water Quality Criteria Reopener**
Rationale: VPDES Permit Regulation, 9VAC25-31-220 D requires effluent limitations to be established which will contribute to the attainment or maintenance of the water quality standards.

B.5. **Total Maximum Daily Load (TMDL) Reopener**
Rationale: Section 303(d) of the Clean Water Act requires that Total Maximum Daily Loads (TMDLs) be developed for streams listed as impaired. This special condition is to allow the permit to be reopened if necessary to bring it into compliance with any applicable TMDL approved for the receiving stream. The re-opener recognizes that, according to Section 402(o)(1) of the Clean Water Act, limits and/or conditions may be either more or less stringent than those contained in this permit. Specifically, they can be relaxed if they are the result of a TMDL, basin plan, or other wasteload allocation prepared under section 303 of the Act.

B.6. **Facility Closure Plan**
Rationale: §62.1-44.16 of the State Water Control Law. This condition establishes the requirement to submit a closure plan for the wastewater treatment facility if the treatment facility is being replaced or is expected to close.

B.7. **Compliance Reporting**
Rationale: Authorized by VPDES Permit Regulation, 9VAC25-31-190 J 4 and 220 I. This condition is necessary when pollutants are monitored by the permittee and a maximum level of quantification and/or a specific analytical method is required in order to assess compliance with a permit limit or to compare effluent quality with a numeric criterion. The condition also establishes protocols for calculation of reported values.

B.8. **Chesapeake Bay Nutrient Re-opener**
Rationale: 9 VAC 25-40-70 A authorizes DEQ to include technology-based annual concentration limits in the permits of facilities that have installed nutrient control equipment, whether by new construction, expansion or upgrade. 9 VAC 25-31-390 A authorizes DEQ to modify VPDES permits to promulgate amended water quality standards.

B.9. **Oil Storage Ground Water Monitoring Reopener**
Rationale: State Water Control Law §62.1-44.21 authorizes the Board to request information needed to determine the discharge's impact on State waters. As this facility currently manages ground water in accordance with an approved Groundwater Contamination Remedial Action Plan (GC-RAP), this permit does not presently impose ground water monitoring requirements. However, this permit may be modified or alternately revoked and reissued to include ground water monitoring not required by the GC-RAP. *This Special Condition, carried from the previous permit, is still applicable.*

B.10. **CER Permit Special Condition**
Rationale: §62.1-44.16 of the Code of Virginia requires industrial facilities to obtain DEQ approval for proposed discharges of industrial wastewater. A CER means a document setting forth preliminary concepts or basic information for the design of industrial wastewater treatment facilities and the supporting calculations for sizing the treatment operations.

C. **Stormwater Management Conditions: Storm Water Management Evaluation, General Storm Water Special Conditions, Storm Water Pollution Prevention Plan, and Sector Specific Storm Water Pollution Prevention Plan Requirements, and Specific Benchmark Monitoring**
Rationale: VPDES Permit Regulation, 9VAC25-31-10 defines discharges of storm water from industrial activity in 10 industrial categories. 9VAC25-31-120 requires a permit for these discharges. While the SIC code for this facility is not covered under the definition of "storm water discharge associated with industrial activity" in 9VAC25-31-10, 9VAC25-31-50 prohibits the discharge of any noxious or deleterious substance except in compliance with a VPDES permit, or another permit, issued by the Board. For the protection of state waters, the General Storm Water Special Conditions and Storm Water Pollution Prevention Plan requirements of the permit for the facility's storm water discharge are derived from the VPDES general permit for discharges of storm water associated with industrial activity (VAR05), 9VAC25-151-10 et seq. Sector P (Land Transportation and Warehousing) of the VPDES general permit (VAR05) is used as a template for sector specific storm water pollution prevention plan requirements given related nature of activities. VPDES Permit Regulation, 9VAC25-31-220 K, requires use of best management practices where applicable to control or abate the discharge of pollutants when numeric effluent limits are infeasible or the practices are necessary to achieve effluent limit or to carry out the purpose and intent of the Clean Water Act and State Water Control Law. The Storm Water Management Evaluation Requirements are included as a result of storm water effluent data screening and include quarterly monitoring of Total Recoverable Zinc, Copper and Lead and whole effluent toxicity testing for Outfalls 003, 004, 005 and 006 in accordance with GM10-2003. See **Attachment E** and **Attachment F**.

Part II **Conditions Applicable to All Permits**
Rationale: VPDES Permit Regulation, 9VAC25-31-190 requires all VPDES permits to contain or specifically cite the conditions listed.

21. NPDES Permit Rating Work Sheet: Total Score 30 **Attachment G**

22. Changes to Permit:

Changes to Cover Page	
Changes	**Rationale**
Format	Wording updated to reflect current agency guidance and streamline appearance (City – N/A deleted under facility name).

Changes to Part I.A.	
Changes	**Rationale**
Outfalls 003, 004, 005, and 006	Process wastewater eliminated and Outfall 001 deleted. Storm water discharges only for Outfalls 003 (formerly 902) and 004 (formerly 903) changed from 2007 permit Part I.A.2. to 2012 permit Part I.A.1. Stormwater water discharges only for two newly located outfalls added: 005), and 006. Changes are in accordance with 2012 permit application and 2012 outfall 001 elimination request. See **Attachments B, C** and **D**). Outfalls 902 and 903 renamed (003, 004) and new outfalls named (005, 006) in order to maintain consistency with current agency naming protocols for storm water only discharges (GM10-2003, revised August 25, 2011, section III and IN-4).

Changes to Part I.A. (continued)					
Changes	**Effluent Limits**		**Monitoring Requirements**		**Rationale**
	From	**To**	**From**	**To**	
Part I.A.1 in 2007 permit reissuance (Outfall 001) deleted. Part I.A.2 in 2007 permit reissuance changed to Part I.A.1 in 2012 permit reissuance. Changes related to Part I.A. (Limitations and Monitoring Requirements) for storm water discharges from Outfalls 003 (formerly 902) and 004 (formerly 903) are as follows:					
Flow (MGD), *MO AVG* *MAX*	 NL NL	 NA NL	 1/3 Months	 1 per 3 Months	Max flow only required as per 3/27/2012 DEQ PRO Staff decision and monitoring frequency clarified.
pH (S.U.), *MIN/MAX*	NR	NL	NR	1 per 3 Months	Added using BPJ as a monitoring indicator for effectiveness of BMPs. See Item #17 above for further comments.
BOD_5 (mg/L), *MAX*	NR	NL	NR	1 per 3 Months	Added using BPJ as a monitoring indicator for effectiveness of BMPs and following data evaluation. See Item #17 above for further comments and **Attachment E**. Max reporting required only as per 3/27/2012 DEQ PRO Staff decision.
TKN (mg/L), *MAX*	NR	NL	NR	1 per 3 Months	
TSS (mg/L) , *MAX*	NC	NC	1/3 Months	1 per 3 Months	Monitoring clarified. See Item #17 for further comments.
Dissolved Copper and Zinc (mg/L); *MAX*	NL	NR	1/3 Months	NR	Dissolved metals replaced with total recoverable metals for storm water monitoring in accordance with 4/27/2010 DEQ PRO Staff Meeting Decision. See comments below.
Total Recoverable Copper, Zinc, and Lead (mg/L); *MAX*	NR	NL	NR	1 per 3 Months	Monitoring added following evaluation of stormwater data. See Item #17 above and **Attachment E** for additional details. Max reporting required only as per 3/27/2012 DEQ PRO Staff decision.
Toxicity, Final Acute (LC_{50}), *MAX*	NL	NR	1/Year	NR	Toxicity testing moved to Part I.C. Testing specifications revised for clarity and in accordance with current agency guidance. Testing frequency increased to quarterly and pollutant specific screening parameters revised in accordance with current data evaluation and subsequent recommendations. Total recoverable metals stormwater monitoring required rather than dissolved as per 4/267/2010 DEQ PRO Staff Decision. See Items #17 and #20 above and **Attachments E and F** for additional information.
TPH, mg/L	NR	NL	NR	1 per 3 Months	Added as protective measure given facility's petroleum handling activities. See Item #17 above.
NC = No Change NL = Monitor Only NR = Not required					

Other Changes to Notes in Part I.A:		
From	**To**	**Rationale**
Part I.A.2 (for storm water outfalls)	Part I.A.1	Stormwater only restriction at bottom of table relocated to section preamble.
Part I.A.2.a	Part I.A.1	Numbering altered and wording streamlined (“by the permittee” deleted) for clarity in accordance with 2/28/2012 DEQ Pro Staff QA-QC feedback.
Part I.A.2 (Notes)	Part I.A.1 Table Legend	NA, NL acronym definitions relocated and NL definition expanded for clarity.
Part I.A.2 Footnote (1)	Part I.A.1 Footnote (b)	No change.
Part I.A.2 Footnote (2)	Part I.A.1 Footnote (d)	Language abbreviated and footnote added to Total Recoverable Zinc, Copper, and Lead in accordance with 2012 permit reissuance data evaluation. See Item #17, #20, **Attachments E** and **F**.
-	Part I.A.1. Footnote (a)	Added in order to specify monitoring frequency (calendar quarters) and DMR submittal dates following each calendar quarter to avoid confusion with Part II reporting specifications (in accordance with PRO Staff Meeting Decisions 3/27/2012 and 4/24/2012).
-	Part I.A.1. Footnote (c)	Added to provide maximum QL’s for monitored parameters in accordance with VPDES Permit Manual (GM10-2003, revised August 25, 2011, Section IN-3), recently adopted VPDES general permit regulations, DEQ PRO staff guidance, and 2012 MSTRANTI target values.
-	Part I.A.1. Footnote (e)	Added to provide TPH analysis specifications in accordance with VPDES storm water general permit regulations and 6/28/2011 DEQ PRO Staff Decisions.
Part I.A.2.b	Part I.A.2	No change.
-	Part I.A.3	Added as a further specification relating to reporting requirements for storm water discharges in accordance with 8/31/2011 DEQ Pro Staff QA-QC feedback. Wording consistent with 2012 permit Part I.C.1.b(5)(b).

Changes to Conditions in Part I:		
From	**To**	**Rationale**
I.B.1	I.B.1	Notification levels – No change.
I.B.2	I.B.2	Operations and Maintenance Manual – Updated in accordance with current agency guidance and DEQ program requirements as documented in email from DEQ-OWP&CA dated 4/3/2012.
I.B.3	I.B.3	Materials Handling and Storage – Language revised to reflect current VPDES Permit Manual guidance (GM10-2003, revised August 25, 2011).
I.B.4	I.B.4	Water Quality Criteria Re-opener – No change.
I.B.5	I.B.5	Total Maximum Daily Load (TMDL) Reopener – No change
I.B.6	I.B.6	Facility Closure Plan - Revised in accordance with current VPDES Permit Manual guidance (GM10-2003, revised August 25, 2011) and included customized language in accordance with 5/29/2012 PRO staff decisions.
I.B.7	I.B.7	Compliance Reporting – Revised to reflect current VPDES Permit Manual guidance, (GM10-2003, revised August 25, 2011). Required parameters (revised to reflect elimination of process wastewater and 2012 stormwater data evaluation) and associated QLs relocated to Part I.A.1 Footnote (c). Monthly average reporting paragraph deleted as only maximum reporting is applicable for storm water only dischargers.
1.B.8	1.B.8	Chesapeake Bay Nutrient Re-opener. No change.
I.B.9	I.B.9	Oil Storage Ground Water Monitoring Reopener – No change other than addition of a header and plan name changed in accordance with actual plan title for accuracy. See Item #20 for additional comments.
-	I.B.10	CER Permit Special Condition – Added to all industrial permits in accordance with PRO Staff decision 6/29/2010.
I.C	-	Whole Effluent Toxicity Limitation and Monitoring Requirements – Deleted as this condition applied to the process wastewater discharge from Outfall 001 which has been eliminated.
I.G	I.C.1	Storm Water Management Evaluation – Revised in accordance with current VPDES Permit Manual guidance (GM10-2003, revised August 25, 2011) for storm water discharges where pollutants exceed screening criteria. Applies to each of the facility's stormwater outfalls, parameters revised, comparative values added, testing specifications revised, and language customized in collaboration with DEQ central office staff. See **Attachment F**. Part I.C.1.d, Waiver of Toxicity Screening, is in accordance with PRO Staff decisions dated 4/26/2011. The requirement for report/results submittal with the DMR was removed as these reports are not intended to be electronically transmitted after the permittee begins, as required, using electronic DMR submittals.
I.D	-	Compliance Schedule – Deleted as this condition applied to limitations associated with the process wastewater discharge from Outfall 001 which has been eliminated.
I.E, F, G	I.C.2., C.3, C.4, C.5	Stormwater Management Requirements revised to General Storm Water Special Conditions (Part I.C.2), Storm Water Pollution Prevention Plan (Part I.C.3), Sector Specific Storm Water Pollution Prevention Plan Requirements (Part I.C.4) and Specific Benchmark Monitoring (Part I.C.5). Changes to language and requirements are in accordance with the VPDES Permit Manual (GM10-2003, revised August 25, 2011), 9VAC25-151 et seq. (General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity, adopted April 27, 2009, Sector P - Land Transportation and Warehousing), PRO Staff decisions dated 1/25/2011, and maintain consistency with current VPDES regulations.

Changes to Part II		
-	II.A.4.	New condition added to reflect change in laboratory accreditation requirements in accordance with VPDES Permit Manual (GM10-2003, revised August 25, 2011).

23. Variances/Alternate Limits or Conditions: None.

24. Public Notice Information required by 9VAC25-31-280 B:
Publication Dates: August 23, 2012 and August 30, 2012
Comment period Start Date: August 23, 2012 End Date: September 22, 2012
Publication in: Herald Progress
All pertinent information is on file and may be inspected, and copied by contacting Tamira Cohen at:

VDEQ - Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060
Telephone No. (804) 527-5012
E-mail address: tamira.cohen@deq.virginia.gov

DEQ accepts comments and requests for public hearing by e-mail, fax or postal mail. All comments and requests must be in writing and be received by DEQ during the comment period. Submittals must include the names, mailing addresses and telephone numbers of the commenter/requester and of all persons represented by the commenter/requester. A request for public hearing must also include: 1) The reason why a public hearing is requested. 2) A brief, informal statement regarding the nature and extent of the interest of the requester or of those represented by the requester, including how and to what extent such interest would be directly and adversely affected by the permit. 3) Specific references, where possible, to terms and conditions of the permit with suggested revisions. A public hearing may be held, including another comment period, if public response is significant, based on individual requests for public hearing, and there are substantial, disputed issues relevant to the permit. The public may review the draft permit and application at the DEQ office named above by appointment or may request copies of the documents from the contact person listed above.

Public Comment: Comments were received from the Town of Ashland on 9/20/2012. Response to comments was sent to the Town of Ashland on 9/25/2012 (see **Attachment H**). No changes to the draft permit were made, however, this 2012 Fact Sheet was revised to include recommendations that the permittee work cooperatively with the Town with respect to notifications and requested inspections (see Item 25.l below).

25. Additional Comments:

Previous Board Action: None.

Staff Comments:

a. The facility's toxicity testing results (LC_{50} and percent survival in 100% effluent), using 48-hr static acute tests may reveal toxicity issues for stormwater discharges. Only four annual tests were available for evaluation and not all tests may have been performed properly. Using best professional judgment, toxicity testing (48-hr static acute testing, *C. dubia* and *P. promelas*) will be continued in this permit reissuance on a quarterly basis for all stormwater discharges from the facility. The WET testing requirement has been changed from an LC_{50} to a multi-dilution No Observed Adverse Effect Concentration (NOAEC) toxicity test to conform to current guidance and ensure adequate data is available for toxicity evaluations.

The LC_{50} is the point estimate of the toxicant or effluent concentration that is lethal to 50% of the test organisms over a specified time period (i.e., the lethal concentration to 50% of the test organisms). The NOAEC is the highest tested concentration of a toxicant or effluent at which no adverse effects are observed on the test organisms over a specified time period. See **Attachment G**.

b. The permit expires September 25, 2012. The permit is expected to be reissued prior to expiration and within 120 days of application completion. In accordance with the 10/25/2011 DEQ PRO staff decisions, the permit term has been shortened by less than one month so that the permit expiration date is the last day of a complete calendar month.

c. The facility is not subject to the requirements of the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) as the facility currently discharges storm water only.

d. Given that there are no permit limitations associated with the facility's stormwater discharges, there may be toxicity concerns, and the screening evaluation identified parameters potentially needing

improvement, reductions in monitoring frequencies have not been considered at this time. The current quarterly monitoring frequency will enable seasonal characterization and assist in managing facility BMPs.

e. This reissuance is not controversial.

f. The permittee has paid the applicable annual maintenance fees (last payment deposited 9/2/2011).

g. The permittee is not a Virginia Environmental Excellence Program (VEEP) participant.

h. The permittee is not an eDMR participant. The permittee was first notified of eDMR participation expectations on 4/4/2011 with the permit reissuance reminder letter. Further notification accompanied the draft permit transmittal letter on August 8, 2012 and the final permit transmittal letter on September 26, 2012.

i This reissuance package is in conformance with the applicable existing planning documents for the area. Chesapeake Bay TMDL - covered by rule in GP, however no discharge of process water allowed. Mechumps Creek Bacterial TMDL – facility not considered a source of point source of bacteria.

j. Virginia Department of Health (VDH) Comments: In a memorandum received June 15, 2012, the VDH advised that there are no public water supply intakes within 15 miles of the discharge. No request to review the draft permit package was received. The VDH's only comment was that the discharge is into South Mechumps Creek, not Mechumps Creek. After conferring with planning staff, it was determined that South Mechumps Creek is not an official stream name and so no change was made to the permit or fact sheet.

k. In accordance with §62.1-44.15:01, a copy of the public notice was mailed August 22, 2012 to Cecil R. Harris, Hanover County Administrator; G. Ed Via III, Chairman of the Board of Supervisors; Robert A. Crum, Jr., Executive Director of the Richmond Regional Planning District (#15); Charles W. Hartgrove, Ashland Town Manager; and Faye O. Prichard, Ashland Town Mayor.

l. In response to comments received from the Town Ashland on 9/20/2012 (see **Attachment H**), DEQ makes the following recommendations:

Given the discharge to the Town of Ashland's Municipal Separate Stormwater Sewer System:

(1) The permittee is advised to notify the Town of Ashland along with DEQ in any instances requiring notification as described in Part I.B.1 of the 2012 permit.

(2) The permittee is advised to contact and work together with the Town of Ashland in order to plan and implement efficient and effective storm water management practices at the facility and to participate fully in the Town of Ashland's stormwater management program in order to minimize the impact of storm water pollutants.

m. Following the end of the public notice period, one minor typographical error, correction of page numbers in permit page headers, was corrected.

26. Attachments:

A. Flow Frequency and 303(d) Status Determination
B. Site Diagram and Location Map
C. Outfall 001 Removal Request
D. Site Inspection Report
E. Effluent Data Summary and Evaluation
F. Toxics Monitoring Program Data Review
G. NPDES Permit Rating Work Sheet
H. Draft Permit Correspondence – Public Comments and DEQ Response to Comments

Attachment A

Flow Frequency and 303(d) Status Determination

Attachment B

Site Diagram and Location Map

Attachment C

Outfall 001 Removal Request

Attachment D

Site Inspection Report

Attachment E

Effluent Data Summary and Evaluation

Attachment F

Toxics Monitoring Program Data Review

Attachment G

NPDES Permit Rating Work Sheet

Attachment H

Draft Permit Correspondence – Public Comments and DEQ Response to Comments